

IN RE: PETITION FOR SPECIAL HEARING
NE/S Yorkway, 140' SE of the
c/l of Leeway
(2605 Yorkway)
12th Election District
7th Councilmanic District
Louis Puglese, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 89-258-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the nonconforming use of the subject property as a four unit apartment building in a D.R. 10.5 zone as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by David G. Johnston of Landex, Inc., the Contract Purchaser, appeared, testified and was represented by John B. Contrum, Esquire. Also appearing on behalf of the Petition were Douglas Kennedy, a registered professional engineer with KCM Consultants, Inc., who prepared Petitioner's Exhibit 1, Griffith Davis, and Ron Gajewski. Petitioner's Exhibit 1 contains additional notations placed thereon by the attorney for the Petitioner. There were no Protestants.

Testimony indicated that the subject property, known as 2605 Yorkway, was improved by a four unit apartment building in 1943 or 1944. Testimony indicated that there are two units on the first floor of the building and two units on the second floor. The basement is improved with storage and utility space. Tax records submitted into evidence establish that the subject building has been assessed and transferred over the years as at least a four unit apartment building continuously and without interruption since approximately 1943. Testimony and evidence presented substantiates that the building was originally constructed as a four unit

apartment building and has been used consistently used as a four unit apartment building since its original development. The evidence tends to indicate the subject property was zoned "D" residential during the 1945 Baltimore County Comprehensive Zoning. The evidence further establishes that the exterior parameters of the building have not changed or been altered since the original construction.

Numerous other cases have been considered over the years for nonconforming use in the immediate vicinity. Affidavits from those cases also were introduced by Petitioner and indicate that the Yorkway units were all built at about the same time in 1943 or 1944 as four unit apartment buildings. Over the years some buildings have added additional units in the basement area. In almost every case, without exception, nonconforming uses have been granted for at least four units. Case No. 89-103-SPH was decided in September, 1988 for 2532 Yorkway for a similar building in the next block. Additionally, Case Nos. 88-14-SPH and 86-290-SPH found that nonconforming uses existed for at least four apartments since prior to 1945. In the instant case, the Petitioner requests a nonconforming use for the original four apartment units only. The subject property is located within a group of buildings in which other properties were previously granted nonconforming use status for four apartments in either Case Nos. 88-377-SPH or 88-456-SPH.

The first issue to be determined in a nonconforming use case is whether or not the property in question was legally and permissibly developed prior to the statutory change which created the alleged nonconforming status. The four unit apartment building in the instant case was constructed prior to the adoption of the 1945 zoning regulations. This property is often referred to by the Petitioner and in this Opinion as an

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apartment building. This building is an apartment house as that term was defined in the original 1945 Baltimore County Zoning Regulations (B.C.Z.R.). That term was then defined as:

"A detached building used and/or arranged for occupancy as dwellings for three or more families as separate housekeeping units. All such housekeeping units shall have unity in use and be supplied, in common, with heat, sewerage and/or other public convenience or utilities."

There is evidence of heat and public utilities in common and an acceptable number of units. Therefore, the building does comply with the "D" residential zoning placed on the land on January 2, 1945 for an apartment house. "D" residential zoning permitted all uses as provided for under a "C" residential zone and "C" residential zoning permitted apartment houses as a matter of right.

The Petitioner has established that the building existed prior to January 2, 1945 or the beginning of zoning regulations. The Petitioner has also established that the building was acceptable under the "D" residential zoning in place from January 2, 1945 through 1955.

The second principal to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the property. A determination must be made as to whether or not any change that has occurred is a different use and therefore breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See *McKemy v. Baltimore County, Md.*, 39 Md. App. 257, 385 A2d. 96 (1978).

Clearly, the use of the subject property has not changed since 1943. The property has always been a four unit apartment building and there have been no changes or interruptions in that use. The subject

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property was also in compliance with the original "D" residential zoning for an apartment house for four (4) apartment units.

The Petitioner does not claim an expansion of this use beyond the original four apartments. The evidence establishes the apartments in the subject building have been occupied continuously and without interruption since approximately 1944.

Pursuant to the advertisement, posting of the property, and public hearing held, and for the reasons given above, the Petition for Special Hearing should be granted.

THEFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of December, 1988 that the Petition for Special Hearing to approve the nonconforming use of 2605 Yorkway as a four unit apartment building, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

-4-

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
J. Robert Haines
Zoning Commissioner

December 29, 1988

John B. Contrum, Esquire
809 Eastern Boulevard
Baltimore, Maryland 21221

RE: PETITION FOR SPECIAL HEARING
NE/S Yorkway, 140' SE of the c/l of Leeway
(2605 Yorkway)
12th Election District - 7th Councilmanic District
Louis Puglese, et ux - Petitioners
Case No. 89-258-SPH

Dear Mr. Contrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

Form #3 of 8 #2605-item-225
#2607-item-226

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-258-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve as a legal nonconforming use the following buildings (each with four apartments) located on Yorkway, Baltimore County, Maryland (#2605, #2607)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Landex Corporation
250 Centerville Road, Bldg. 6
Address
Marwick, R.I. 02886
City and State

Signature
John Contrum
(Type or Print Name)
Address
Fallston, Maryland 21047
City and State

Signature
809 Eastern Blvd.
Address
Essex, Md. 21221
City and State

Signature
411 Fieldstone Court
Address
Fallston, Maryland 21047
City and State

Signature
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
Phone No.

Signature
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
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Phone No.

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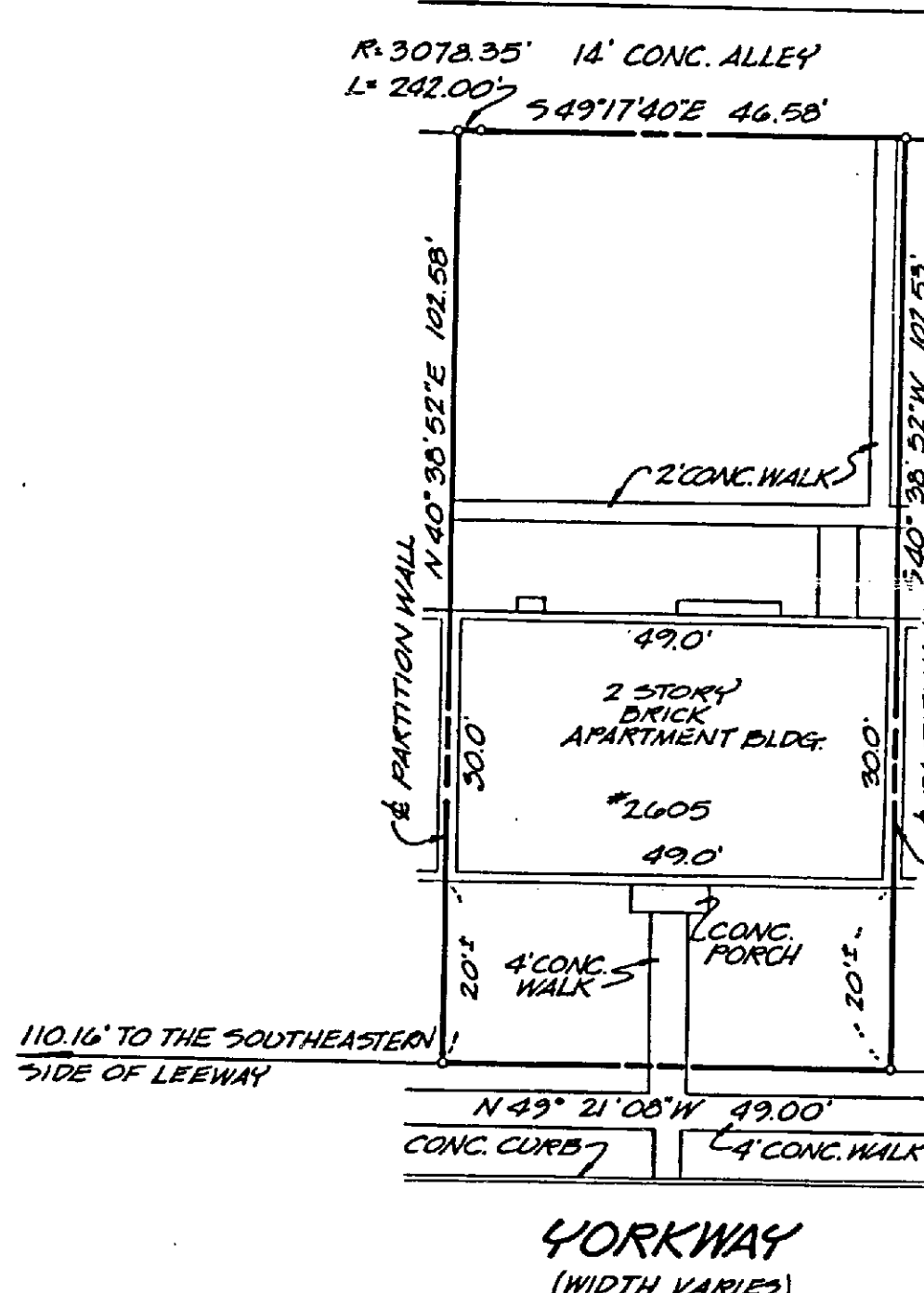
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Phone No.



PETITIONER'S EXHIBIT 9

PART OF BLOCK NO. 2
PLAT NO. 4 OF "DUNDALK"
C.W.D. JR. 12 FOLIO 63

KCM Consultants, Inc.
Civil Engineers and Land Surveyors
1777 Reisterstown Road
Commerce Centre, Suite 175
Baltimore, Maryland 21208
(301) 484-0963

PLAT TO ACCOMPANY DESCRIPTION
#2605 YORKWAY
12th ELECTION DISTRICT
BALTIMORE COUNTY, MD

SCALE 1"=20' DATE NOV. 21, 1988

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

December 29, 1988

Community Development Administration
45 Calvert Street
Annapolis, Maryland 21401
Benton Mortgage Company
5731 Lyons View Drive
Nashville, Tennessee 37919

RE: Yorkway Apartments

Gentlemen:

I have this day taken testimony and evidence with respect to the following Yorkway Apartment Buildings:

2513 Yorkway
2515 Yorkway
2517 Yorkway
2519 Yorkway
2521 Yorkway
2506 Yorkway
2511 Yorkway
2613 Yorkway
2625 Yorkway
2605 Yorkway
2607 Yorkway
2627 Yorkway
2629 Yorkway
2504 Yorkway
2510 Yorkway
2511 Yorkway

Based on the testimony and evidence presented, I am issuing findings of fact and conclusion of law indicating that these buildings all have legal nonconforming uses as four unit apartment buildings.

December 29, 1988
page 2.....

The following properties 2609 Yorkway, 2619 Yorkway, 2527 Yorkway and 2529 Yorkway have all previously been found to have legal nonconforming uses. To my knowledge, there are no zoning violations outstanding on any of these buildings, and they may continue as four unit apartment buildings in conformance with the laws and regulations of Baltimore County.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm

Douglas L. Kennedy, P.E.
William K. Woody, L.S.

KCW Consultants, Inc.
Civil Engineers and Land Surveyors
1777 Reisterstown Road
Commerceville, Suite 175
Baltimore, Maryland 21208
(301) 484-0854 / 484-0963

John M. Cosarquis, L.S. (Ret.)

November 29, 1988

PETITIONER/CONTRACT PURCHASER:
LANDEX CORPORATION
250 Centerville Road, Bld. 'P'
Warwick, Rhode Island 02886
Attn: Ms. Judith Siegel
(401) 732-5430

PROPERTY DESCRIPTION TO ACCOMPANY
PETITION FOR SPECIAL HEARING
12th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point on the northeasterly line of Yorkway as now laid out 50 feet wide distant 110.16 feet southeasterly measured along the said northeasterly line of Yorkway from the southeasterly line of Leeway as now laid out 60 feet wide, all as shown on "Plat No. 4 of Dundalk", and running thence North 40 degrees 38 minutes 52 seconds East 102.58 feet, part of which distance is intended the southeasterly line of a 14 foot alley there situate, and as shown on said Plat; thence binding on the southeasterly line of said alley the two following courses and distances; on a curve to the left with a radius of 3078.35 feet for a distance of 2.42 feet and South 49 degrees 17 minutes West 102.53 feet, part of which distance is intended to be along the center of a party-wall there situate, to intersect the said northeasterly line of Yorkway; thence binding on the said northeasterly line of Yorkway North 49 degrees 21 minutes 8 seconds West 49 feet to the place of beginning; the improvements thereon being known as No. 2605 Yorkway.

#2605 YORKWAY Acc. # 12-11-047661

APPLICATION FOR PERMIT
BALTIMORE COUNTY, MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

Building Address: 2605 YORKWAY
Owner Name: York Park Associates
Mailing Address: 250 CENTERVILLE RD WARWICK, RI 02886

TERMINAL
SUBMITTER: Ambler Construction Co Inc
SUBMITTER'S ADDRESS: 115 New St, Gloucester, MA 01930
SUBMITTER'S PHONE: 617-861-1111
SUBMITTER'S FAX: 617-861-1111
SUBMITTER'S E-MAIL: info@ambler.com

DATE SUBMITTED: 12-11-88
DATE REVIEWED: 12-11-88
DATE PERMIT ISSUED: 12-11-88

A. TYPE OF IMPROVEMENT
1. NEW CONSTRUCTION
2. REPAIRS
3. ALTERATIONS
4. REMOVAL
5. OTHER

B. TYPE OF USE
1. RESIDENTIAL
2. COMMERCIAL
3. INDUSTRIAL
4. OTHER

C. TYPE OF CONSTRUCTION
1. MAINTENANCE
2. REPAIRS
3. ALTERATIONS
4. REMOVAL
5. OTHER

D. DIMENSIONS
1. BUILDING SIZE
2. LOT SIZE
3. SETBACKS
4. OTHER

E. RESIDENTIAL ONLY
1. SINGLE FAMILY UNITS
2. MULTI-FAMILY UNITS
3. OTHER

F. TYPE OF WATER SUPPLY
1. PUBLIC SYSTEM
2. PRIVATE SYSTEM
3. OTHER

G. TYPE OF SEWAGE DISPOSAL
1. PUBLIC SYSTEM
2. PRIVATE SYSTEM
3. OTHER

H. TYPE OF HEATING FUEL
1. GAS
2. OIL
3. COAL
4. OTHER

I. TYPE OF AIR CONDITIONING
1. CENTRAL AIR
2. SPLIT SYSTEM
3. OTHER

J. TYPE OF ROOFING
1. ASPH/FLT
2. METAL
3. OTHER

K. TYPE OF FLOORING
1. CARPET
2. HARDWOOD
3. OTHER

L. TYPE OF WALLS
1. BRICK
2. CONCRETE
3. OTHER

M. TYPE OF WINDOWS
1. DOUBLE GLAZED
2. SINGLE GLAZED
3. OTHER

N. TYPE OF DOORS
1. DOUBLE GLAZED
2. SINGLE GLAZED
3. OTHER

O. TYPE OF STAIRS
1. WOOD
2. METAL
3. OTHER

P. TYPE OF ELEVATORS
1. HYDRAULIC
2. OTHER

Q. TYPE OF PAVING
1. ASPHALT
2. CONCRETE
3. OTHER

R. TYPE OF LIGHTING
1. NATURAL
2. ARTIFICIAL
3. OTHER

S. TYPE OF SOUNDING
1. NATURAL
2. ARTIFICIAL
3. OTHER

T. TYPE OF VIBRATION
1. NATURAL
2. ARTIFICIAL
3. OTHER

U. TYPE OF OTHER
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V. TYPE OF OTHER
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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

DEC 12 1988

John B. Gontum, Esq.
809 Eastern Boulevard
Essex, Maryland 21221

RE: Petitions for Special Hearing
CASE NUMBERS: 89-249-SPH thru 89-264-SPH
Your Client: Landex Corporation
Date of Hearing: Thursday, December 29, 1988 at 9:00 a.m.

Dear Mr. Gontum:

Please be advised that \$1,450.00 is due for advertising and posting of the above referenced properties. All fees must be paid prior to the hearings. Do not remove the sign and post set(s) from the properties.

THIS FEE MUST BE PAID ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before the hearings are scheduled to begin.

Please note that due to the number of signs to be returned, there will be no need for your client to remove and return the signs, as this office will do same.

Very truly yours,

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J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. Walter Stealey
Ms. Judith S. Siegel
File

* \$90.63 each property

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 89-258-SPH
Towson, Maryland

District: 12th
Posted for: Special Hearing
Petitioner: Landex Corporation - Louis Pugliese, et ux
Location of property: 2605 Yorkway, 149' SE of c/l of Leeway
Location of signs: Yorkway, across 25' alleyway, on 12th E. of Yorkway
Remarks: M. Stealey
Posted by: M. Stealey
Number of Signs: 1

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222

December 8, 1988

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hearings - Case # 89-258-SPH - P.O. #07728 - Reg. #N20499 - 80 Lines @ \$40.00 was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 8th day of December 1988; that is to say, the same was inserted in the issues of Dec. 8, 1988

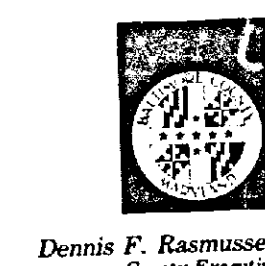
Kimbel Publication, Inc.
per Publisher.

By K.C. Deke

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Special Hearing
CASE NUMBER: 89-258-SPH
NE/S Yorkway, 149' SE of c/l of Leeway (2605 Yorkway)
12th Election District - 7th Councilmanic
Legal Owner(s): Louis Pugliese, et ux
Purchaser(s): Landex Corporation
HEARING SCHEDULED: THURSDAY, DECEMBER 29, 1988 at 9:00 a.m.

SPECIAL HEARING: Nonconforming use of 2605 Yorkway (four apartments)

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 7, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on December 8, 1988.

THE JEFFERSONIAN,

S. Zeigler
Publisher

PO 07747
M20498
89-258-SPH
price \$35.63

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

059614

DATE: 11/29/88 ACCOUNT: 01-615-000

AMOUNT: \$ 100.00

RECEIVED: Judith S. Siegel, President, Landex Corp.
FROM: 39 Major Potter Road 250 Centerville Road
Warwick, RI 02886 Building #6
FOR: Filing Fee for Special Hearing (1 of 17) uck
Items # 216-232 Yorkway Non-conforming apartments

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 894-3353

J. Robert Haines
Zoning Commissioner

December 29, 1988

Judith S. Siegel, President
250 Centerville Road
Building Six
Warwick, Rhode Island 02886

RE: Case Numbers 89-249-SPH through
89-264-SPH - Yorkway

Dear Ms. Siegel:

Upon review of the documentation which you have submitted in the above referenced cases supporting the evidence of a nonconforming use in the 15 locations on Yorkway which are the subject of the above referenced cases, I am satisfied that if all of the dwellings were constructed with four dwellings prior to January 2, 1945 that obviously an apparent nonconforming use existed at one time. Due to the extreme emergency of your mortgage obligations prior to December 31, 1988, I will provisionally approve the building permits subject to a final determination upon presentation of evidence in the hearing on December 29th. The 16 cases have been advertised and a hearing will occur on the 29th which will allow any protestors to provide any evidence in opposition to the existence of the nonconforming use.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:scj

INTER-OFFICE CORRESPONDENCE

The applicant is requesting a special hearing to establish four apartment units within 19 buildings, the majority of which constitute York Park as shown on the applicant's site plan dated October 1, 1988. It is not clear from the applicant's submission if buildings 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2682, 2683, 2684, 2685, 2686, 2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694, 2695, 2696, 2697, 2698, 2699, 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710, 2711, 2712, 2713, 2714, 2715, 2716, 2717, 2718, 2719, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2735, 2736, 2737, 2738, 2739, 2740, 2741, 2742, 2743, 2744, 2745, 2746, 2747, 2748, 2749, 2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2772, 2773, 2774, 2775, 2776, 2777, 2778, 2779, 2780, 2781, 2782, 2783, 2784, 2785, 2786, 2787, 2788, 2789, 2790, 2791, 2792, 2793, 2794, 2795, 2796, 2797, 2798, 2799, 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809, 2810, 2811, 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847, 2848, 2849, 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869, 2870, 2871, 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882, 2883, 2884, 2885, 2886, 2887, 2888, 2889, 2890, 2891, 2892, 2893, 2894, 2895, 2896, 2897, 2898, 2899, 2900, 2901, 2902, 2903, 2904, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2928, 2929, 2930, 2931, 2932, 2933, 2934, 2935, 2936, 2937, 2938, 2939, 2940, 2941, 2942, 2943, 2944, 2945, 2946, 2947, 2948, 2949, 2950, 2951, 2952, 2953, 2954, 2955, 2956, 2957, 2958, 2959, 2960, 2961, 2962, 2963, 2964, 2965, 2966, 2967, 2968, 2969, 2970, 2971, 2972, 2973, 2974, 2975, 2976, 2977, 2978, 2979, 2980, 2981, 2982, 2983, 2984, 2985, 2986, 2987, 2988, 2989, 2990, 2991, 2992, 2993, 2994, 2995, 2996, 2997, 2998, 2999, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3158, 3159, 3160, 3161, 3162, 3163, 3164, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3189, 3190, 3191, 3192, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3200, 3201, 3202, 3203, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211, 3212, 3213, 3214, 3215, 3216, 3217, 3218, 3219, 3220, 3221, 3222, 3223, 3224, 3225, 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3242, 3243, 3244, 3245, 3246, 3247, 3248, 3249, 3250, 3251, 3252, 3253, 3254, 3255, 3256, 3257, 3258, 3259, 3260, 3261, 3262, 3263, 3264, 3265, 3266, 3267, 3268, 3269, 3270, 3271, 3272, 3273, 3274, 3275, 3276, 3277, 3278, 3279, 3280, 3281, 3282, 3283, 3284, 3285, 3286, 3287, 3

[illegible]

VETERANS' ATTENTION

[illegible]

APRIL 1944

CONSTRUCTION OF THESE HOMES WAS SUPERVISED AND INSURED BY
FEDERAL HOUSING ADMINISTRATION

ALL PREWAR MATERIALS

IF YOU HAVE A CASH PAYMENT OF \$500.00 AND FINANCE YOUR MORTGAGE UNDER F.H.A. VETERANS ADMINISTRATION APPROVED PLAN, YOUR MONTHLY PAYMENTS WILL BE AS FOLLOWS:

Your rent received from two apartments at \$150.00 per month \$6.00
 THERE ARE 6 P.A. APPROVED RENTERS 29.00
 TOTAL RECEIVED PER MONTH \$35.00

YOUR MONTHLY PAYMENT WILL BE \$160.00 FOR 20 YEAR TERM
 YOUR MONTHLY PAYMENT ON THE MORTGAGE WOULD BE \$6.00
 YOUR MONTHLY PAYMENT ON THE MORTGAGE WOULD BE \$6.00
 1/1% OF YOUR MORTGAGE PAYMENTS FOR YOUR \$2.00 (Decrease Every Month)
 LIFE, FIRE AND THEFT INSURANCE 10.00 (Decrease Every Month)
 F.A. INSURANCE 10.00
 1/1% OF YOUR INSURANCE 2.00
 YOUR TOTAL MONTHLY PAYMENT OF MORTGAGE \$112.00
 Balance of income left to you after mortgage payment \$22.00

YOUR OTHER YEARLY EXPENSES FOR RUNNING THE HOUSE ARE
 COAL USED, 10 TONS AT \$10.00 PER TON \$10.00
 WATER USED PER YEAR (AVERAGE) \$10.00
 HOIST \$10.00
 MAINTENANCE USED PER YEAR (AVERAGE) \$10.00
 MAINTENANCE OF FURNITURE, STOVE, REFR., ETC. \$10.00
 FEWER RENTERS \$10.00
 TOTAL ANNUAL EXPENSES OTHER THAN MORTGAGE \$72.00
 DIVIDED BY 12 MONTHS, EQUALS PER MONTH \$6.00

AMOUNT LEFT FROM MONTHLY RENT AFTER PAYING MORTGAGE AND ALL EXPENSES \$12.00
 Add to this the amount you have paid off on your mortgage \$22.00
 YOUR TOTAL MONTHLY \$34.00
 OR YOU CAN LIVE IN ONE APARTMENT RENT FREE AND STILL HAVE A NICE INCOME OF \$65.00

SEE THE FURNISHING SAMPLE APARTMENT 311 FLOOR 2534 YORKWAY
 OPEN DAILY - SATURDAY 10:00 A.M. TO 5:00 P.M. SUNDAY 12:00 P.M. TO 5:00 P.M.
 Take 26 car to Duaneville and Lehighway walk to it and to 2500 Lehigh to 2150 P.M.
 Left on Lehigh 1 block. Sample homes on corner.

**PETITIONER'S
EXHIBIT 2**

AFFIDAVIT

"A lawful non-conforming use existing on the effective date of the adoption of these regulations may continue, provided, however, upon any change from such non-conforming use to a conforming use, or any attempt to change from such

PETITIONERS
EXHIBIT 4

AFFIDAVIT OF NANCY CAPECCI

5. I have also testified in Case Number 88-14-SPH before the Board of Appeals with respect to 2619 Yorkway, and feel competent to testify that all of these buildings which are the subject to the case here today were originally built prior to 1945 as four

**PETITIONER'S
EXHIBIT** 3A

10/24/88:819.RG:ECC10239

PETITIONER'S
EXHIBIT 6

IN RE	BEFORE THE
PETITION FOR SPECIAL HEARING	ZONING COMMISSIONER
SW/C Yorkway and Leeway	OF
(2532 and 2534 Yorkway)	
12th Election District	BALTIMORE COUNTY
7th Councilmanic	
BRIJDEO SHIVNARAIN,	
DANIEL ABBOTT, et al	Case No. 89-103-SPH

AFFIDAVIT

3. I specifically recall my children playing with the children of families who lived in that basement apartment at 2534 Yorkway, and can state that I have frequently visited 2534 Yorkway

I have frequently visited

AFFIDAVIT

I solemnly declare and affirm that the above statements are true to the best of my knowledge, information and belief.

Connie R. Ports
CONNIE PORTS

I hereby certify that on this 20th day of December 1988, before me, _____, Notary Public for said State and County, personally appeared CONNIE PORTS, Affiant, and solemnly affirmed under the penalties of perjury and under oath in due form of law that the contents of the foregoing paper are true to the best of her knowledge, information and belief.

40

Karen E. Becker
Notary Public
PUBLIC
BALTIMORE CO., MD.

My commission expires: 7/1/90

**PETITIONER'S
EXHIBIT 3B**

LAW FIRM
ROMADKA,
GONTRUM
& HENNEGAN
ESSEX, MARYLAND

2605

PETITIONER'S
EXHIBIT 6

IN RE	BEFORE THE
PETITION FOR SPECIAL HEARING	ZONING COMMISSIONER
SW/C Yorkway and Leeway	OF
(2532 and 2534 Yorkway)	
12th Election District	BALTIMORE COUNTY
7th Councilmanic	
BRIJDEO SHIVNARAIN,	
DANIEL ABBOTT, et al	Case No. 89-103-SPH

AFFIDAVIT

3. I specifically recall my children playing with the children of families who lived in that basement apartment at 2534 Yorkway, and can state that I have frequently visited 2534 Yorkway

I have frequently visited

IN THE MATTER OF	BEFORE
THE APPLICATION OF	
JOHN E. RAVEKES, ET UX	COUNTY BOARD OF APPEALS
FOR A SPECIAL HEARING ON PROPERTY	
LOCATED ON THE NORTHEAST SIDE OF	OF
YORKWAY, 225.52' and 522.72' SOUTH-	
EAST OF LEEWAY (2609 and 2619	BALTIMORE COUNTY
YORKWAY)	
12th ELECTION DISTRICT	CASE NO. 88-14-SPH
7th COUNCILMANIC DISTRICT	

O P I N I O N

Theodore Eklund, a neighbor some 73 years old, testified that he moved into the area in 1950 and that 2619, at that time, contained four apartments.

**PETITIONER'S
EXHIBIT 7**

